

02-08-02

Attorney Docket No.

P31824C1

First Named Inventor

Patel et al.

JCS979 U.S. PTO  
10/088514

02/05/02

UTILITY PATENT APPLICATION  
TRANSMITTAL

For new nonprovisional applications under 37 CFR 1.53(b)

## "EXPRESS MAIL CERTIFICATE"

EXPRESS MAIL MAILING LABEL NUMBER **EV000524263US** DATE OF DEPOSIT: **5 February 2002**I hereby certify that this paper or fee and the papers indicated as being transmitted herewith are being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 CFR 1.10 on the date and with the Mailing Label Number indicated above and addressed to:  
The Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.NAME OF PERSON MAILING PAPER OR FEE  
(TYPE OR PRINT) **Elsa Ulatos**

SIGNATURE

**Elsa Ulatos**

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to Deposit Account No. **19-2570**
- ☒ General Authorization to charge any and all fees under 37 CFR 1.16 or 1.17, including petitions for extensions of time, relating to this application. (37 CFR 1.136(a)(3))  
(Submit an original, and a duplicate for fee processing)

2. ☒ The total fee is calculated as shown below:
- |   |                 |
|---|-----------------|
| Basic Filing fee                        | \$740.00        |
| Total Claims 22 - 20 = 2 x \$18         | \$ 36.00        |
| Independent Claims -3 = 0 x \$84        | \$ 0.00         |
| Multiple Dependent Claim present. \$280 |                 |
| <b>TOTAL FILING FEE</b>                 | <b>\$776.00</b> |

Cancel in this application original claims \_\_\_ to \_\_\_ of the prior application before calculating the filing fee.

☒ Charge **\$776.00** to the above indicated Deposit Account.

- 3a. ☒ Specification excluding Drawings [Total Pages] **13**
- 3b. ☒ Abstract on a separate sheet [Total Pages] **0**

4. ☐ Drawing(s) (35 USC 113) [Total Sheets] \_\_\_\_\_

5. ☒ Declaration and Power of Attorney [Total Pages] **3**
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17a completed)
- c. ☐ Unsigned Declaration  
[Note Box 6 below]
- i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. ☒ Incorporation By Reference (useable if Box 5b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

17. ☒ Priority Information, check appropriate box and supply the requisite information

a. The accompanying application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)  
of prior application No: 09/424,278 filed 21 March 2000 which is a 371 national stage filing of PCT/EP98/03478 filed 2 June 1998.

b. ☐ Benefit is claimed under Title 35, United States Code, Section 119(e) of the following Provisional Applications:  
Application No. \_\_\_\_\_ filed \_\_\_\_\_

c. ☒ Please amend the specification by inserting before the first line the sentence: (37 CFR 1.78)

This is a continuation of application Serial No. 09/424,278 filed 21 March 2000.

Correspondence

GLAXOSMITHKLINE

Address:

Corporate Intellectual Property - UW2220  
P.O. Box 1539  
King of Prussia, PA 19406-0939

Telephone

(610) 270-5014 Fax (610) 270-5090

Signature  
Name

Respectfully Submitted,

James M. Kanagy

Registration  
No.

29,550

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20462

PATENT TRADEMARK OFFICE

Form PTO 1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 5-93)		ATTORNEY'S DOCKET NUMBER <b>09/424278</b> P31824
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED / ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/424,278
INTERNATIONAL APPLICATION NO. PCT/EP98/03478	INTERNATIONAL FILING DATE 02 June 1998	PRIORITY DATE CLAIMED 05 June 1997
TITLE OF INVENTION COMPOSITION COMPRISING 5-[4-[2-(METHYL-N-2-PYRIDYL)AMINO)ETHOXY]BENZYL]THIAZOLIDINE-2,4-DIONE		
APPLICANT(S) FOR DO/EO/US Jai PATEL, Hamish ROSS, Jeffrey Roger GRANETT, Robin PRICE and Paul Nigel WRAY		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

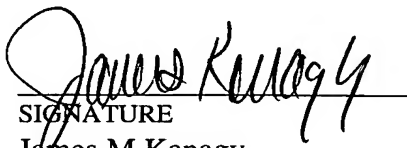
11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.  
☐ Please amend the specification by inserting before the first line the sentence:
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

US APPLICATION NO. (if known see 37 CFR 1.50) 09/424,278		INTERNATIONAL APPLICATION NO. PCT/EP98/03478		ATTORNEYS DOCKET NO. P31824	
17. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS    PTO USE ONLY	
<b>Basic National Fee (37 C.F.R. 1.492(a)(1)-(5)):</b>					
Search Report has been prepared by the EPO or JPO .....\$840.00					
International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) .....\$670.00					
No International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$760.00					
Neither International Preliminary Examination Fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$970.00					
International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$96.00					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$130.00</b>	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<b>\$0.00</b>	
Claims	Number Filed	Number Extra	Rate		
Total claims	22 - 20 =	2	2 x \$18.00	<b>\$0.00</b>	
Independent claims	4 - 3 =	1	1 x \$78.00	<b>\$0.00</b>	
Multiple dependent claims (if applicable)			+ \$260.00	<b>\$0.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$0.00</b>	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				<b>\$</b>	
<b>SUBTOTAL =</b>				<b>\$130.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)) +				<b>\$</b>	
<b>TOTAL NATIONAL FEE =</b>				<b>\$130.00</b>	
				Amount to be refunded	\$
				charged	\$

- a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 19-2570 in the amount of **\$130.00** to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2570. A duplicate copy of this sheet is enclosed.
- d. ☒ General Authorization to charge any and all fees under 37 CFR 1.16 or 1.17, including petitions for extension of time relating to this application (37 CFR 1.136 (a)(3)).

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

**SEND ALL CORRESPONDENCE TO:**  
**SMITHKLINE BEECHAM CORPORATION**  
 Corporate Intellectual Property - UW2220  
 P.O. Box 1539  
 King of Prussia, PA 19406-0939  
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 SIGNATURE  
 James M Kanagy  
 NAME  
 29,550  
 REGISTRATION NO.

PATENT  
ATTORNEY'S DOCKET NUMBER P31824

TRANSMITTAL LETTER TO THE U.S. DESIGNATED OFFICE  
(DO/US) - ENTRY INTO NATIONAL STAGE UNDER 35 USC 371

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INTERNATIONAL APP. NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/EP98/03478	02 June 1998	05 June 1997

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TITLE OF INVENTION  
COMPOSITION COMPRISING 5-[4-[2-(METHYL-N-2-PYRIDYL)AMINO)ETHOXY]BENZYL]THIAZOLIDINE-2,4-DIONE

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APPLICANT(S) FOR DO/US  
Jai PATEL, Hamish ROSS, Jeffrey Roger GRANETT, Robin PRICE and Paul Nigel WRAY

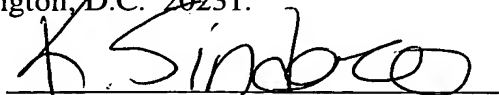
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Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: DO/US

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CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter, Form PTO 1390 and the papers indicated as being transmitted therewith, and Post Card are being deposited with the United States Postal Service on this date March 20, 2000 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL229505093US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.



(Typed or printed name of person mailing paper)



(Signature of person mailing paper)